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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,815	09/22/2000	Migaku Suzuki	K-1926	1115

7590 09/11/2002
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EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/11/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667815

Applicant(s)

Suzuki et al.

Examiner

John Guarriello

Group Art Unit

1721

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- ☐ Of the above claim(s) 10, 11, 16-23 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9, 12-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☒ Some* ☐ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4, 5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

15. The Examiner acknowledges paper # 7 of 7/18/2002.

Election/Restriction

16. The Examiner acknowledges the affirmation of the Restriction requirement directed to Group I, claims 1-9, 12-15 drawn to the highly absorbent composite sheet, Group II, claims 10, 11, 16-23 are withdrawn as to the non-elected invention. Since no traversal is evident, the Examiner treats the election of Group I, as without traverse, and the Restriction is made final for reasons of record.

17. Applicant's election of Group I, claims 1-9, 12-15 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a))

Claim Rejections - 35 USC § 112

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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19. Claims 12, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 4, it is not clear what the dependency is, since this claim depends on non-elected claim 10.

In claim 13, lines 6-8, it is not clear what is encompassed by the phrase "...second fibrous network of looser mesh positioned over **and than said** first fibrous network" since reference to another fibrous network can be the same or different from the first fibrous network; this appears to be awkward grammar wording when using the phrase "and than said".

Claim Rejections - 35 USC § 102

20. Claims 1-3, 6-9, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/25999.

WO 98/25999 (disclosure of EP 947549 is in the same Patent Family) describes composite compositions which are highly absorbent with absorbent sheets, (see cites from EP'549,abstract). WO'999 describes the SAP, super

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absorbent polymer, (page 2, lines 34-58). WO'999 describes a non-woven **bulky substrate fabric** for supporting the SAP particles, (page 8, lines 19-58). WO'999 describes at least a two-layer structure with a bulky layer of the non-woven fabric with SAP particles, (page 9, lines 15-50). WO'999 describes adhesion between the sheets or layers can be accomplished with some aspect of bonding, (page 14, lines 5-10). It is the Examiner's position that the claimed invention requires at least a layer or sheet with SAP particles bonded with an adhesive to another layer or sheet with absorbent properties for the composite absorbent article. WO'999 describes the essential limitations of the claimed invention. Claims lack novelty.

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by JP 2000-201975.

JP'975 describes a multifunctional sheet absorber having plural-layer structure and absorber product using the absorber as one element, (see abstract). JP'975 describes a layer structure of a high density layer and a bulky low density layer, (see abstract). JP'975 describes a highly absorptive resin (corresponds to the SAP) particles joined to and carried on the fiber of the low density layer, (see abstract). JP'975 describes a joining component (corresponds to the adhesive layer), (see abstract). It is the Examiner's position that the claimed invention requires at least a layer or sheet with SAP

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particles bonded with an adhesive to another layer or sheet with absorbent properties for the composite absorbent article. JP'975 describes the essential limitations of the claimed invention. Claims lack novelty.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 1, 4, 5, 13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/25999 in view of EP 826 349.

WO'999 describes the absorbent composition as noted above in paragraph # 21 but is silent about the amount of adhesive and the fineness of the fibers. WO'999 describes fine fibrils in the form of microfibrils intertwined with the SAP particles which are similar to the loose mesh of adhesive between the layers or sheets, (see page 14, lines 5-55). WO'999

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differs from the claimed invention because it is silent about the amount of adhesive and the fineness of fibers.

EP'349 describes absorbent articles with an inner sheet and an outer sheet with SAP polymers charged, (see abstract). EP'349 describes bonding between the inner sheet and the outer sheet with adhesives, corresponding to EVA, (ethylene vinyl acetate) among others, (page 3, column 3, lines 57-58; page 3, column 4, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the EVA adhesive of EP'349 and to optimize the amount of the adhesive component motivated with the expectation that the enhanced bonding between the sheet or layers results, so that there is the better absorption of liquid, (page 16, lines 46-47), WO'999. Regarding the fineness of the fibers, WO'999 describes the microfibrils which overlaps the fineness of the fibers by the definition of microfibrils.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

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number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John J. Guarriello:gj

Patent Examiner

August 17, 2002

August 26, 2002



TERREL MORRIS
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